

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Bail Appl..No. 163 of 2007()

LP.43/2006 of J.M.F.C. (SPECIAL COURT FOR MARADU CASES), KOZHIKODE
.....

PETITIONER/ACCUSED:

MOHANDAS, S/O.KRISHNAN,
IRINGALLUR, VENGARA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT: STATE:

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO. 163 OF 2007

DATED THIS THE 12th DAY OF JANUARY, 2007

O R D E R

Petitioner who is an accused in a private complaint filed under section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. Admittedly, presumably due to the non-appearance of the petitioner in response to the summons issued by the trial court, viz; J.F.C.M., (Special Court for Marad Cases), Kozhikode, the case against the petitioner has been transferred to the long pending register as L.P.No.43/06 and non-bailable warrant of arrest is pending against him.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of on merits, preferably on the same date on which it is filed after examining the grievance of the petitioner that he was not served with a summons in the case and also considering the fact that the offence is a bailable offence.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE.

dsn